

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA**

---

ALLEN S. JOHNS,

Plaintiff,

v.

MICHAEL J. ASTRUE,  
Commissioner of Social Security,

Defendant.

---

Case No. 3:07-CV-1409

(Judge Kosik)

**MEMORANDUM AND ORDER**

NOW, this 30th day of June, 2008, it appearing to the court that:

(1) On August 2, 2007, the plaintiff filed the above-styled action pursuant to 42 U.S.C. § 405(g) to seek review of the defendant's decision to deny the plaintiff's claim for Supplemental Security Income;

(2) This matter was assigned to Magistrate Judge Malachy E. Mannion;

(3) The parties filed appropriate briefs, and the Magistrate Judge issued a Report and Recommendation on June 4, 2008;

(4) In the Report and Recommendation, the Magistrate Judge concluded that the decision of the ALJ was supported by substantial evidence and he recommended that the plaintiff's appeal be denied;

(5) Neither the plaintiff nor the defendant filed objections to the Report and Recommendation;

AND, IT FURTHER APPEARING THAT:

(6) If no objections are filed to a magistrate judge's report and recommendation, the plaintiff is not statutorily entitled to a *de novo* review of his claims. See 28 U.S.C. § 636(b)(1)(C); Thomas v. Arn, 474 U.S. 140, 150–53 (1985). Nonetheless, the usual practice of

the district court is to give “reasoned consideration” to a magistrate judge’s report prior to adopting it. See Henderson v. Carlson, 812 F.2d 874, 878 (3d Cir. 1987).

(7) Having considered the Magistrate Judge’s Report, we agree with the recommendation;  
ACCORDINGLY, IT IS HEREBY ORDERED THAT:

(1) The Report and Recommendation of Magistrate Judge Malachy E. Mannion dated June 4, 2008 is **ADOPTED**;

(2) The plaintiff’s appeal is **DENIED**; and

(3) The Clerk of Court is directed to **CLOSE** this case and to **FORWARD** a copy of this Memorandum and Order to the Magistrate Judge.

*s/Edwin M. Kosik*  
United States District Judge